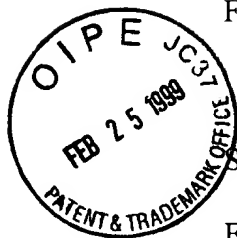


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Jay S. Walker et al.)
 For: PRE-SALE DATA) Examiner: Not Yet Assigned
 BROADCAST SYSTEM AND)
 METHOD)
 Serial No.: 09/221,099) Group Art Unit: 2761
 Filing Date: December 28, 1998) Docket No.: WD2-98-112

Assistant Commissioner for Patents
 Washington, D.C. 20231

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TRANSMITTAL LETTER

Sir:

Applicants hereby submit the following documents for the above-identified patent application:

1. Information Disclosure Statement;
2. Form PTO-1449;
3. Copy of references cited therein; and
4. Postcard.

The Commissioner is hereby authorized to charge \$ 0.00 to Deposit Account No. 50-0271 for the fees required for the enclosed Information Disclosure Statement. The Commissioner is further authorized to charge any further required fees, or to credit any overpayment, to Deposit Account No. 50-0271. A duplicate copy of this authorization is attached for such purpose.

Respectfully submitted,

February 23, 1999
 Date

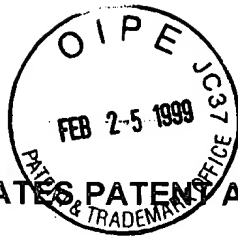
Dean Alderucci
 Dean Alderucci
 Attorney for Applicants
 PTO Reg. No. 40,484
 Walker Digital Corporation
 Five High Ridge Park
 Stamford, CT 06905

Certificate of Mailing

I hereby certify that this correspondence is being sent via first class mail in an envelope with sufficient postage addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on February 23, 1999.

Margaret N. Kaswer
 Typed Name of Person Making
 Deposit

Margaret N. Kaswer 2/23/99
 Signature Date



Docket No.: WD2-98-112

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In re Application of: Jay S. Walker et al.)

For: PRE-SALE DATA)
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Examiner: Not Yet Assigned

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Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U. S. Patent No. 4,723,212 entitled "METHOD AND APPARATUS FOR DISPENSING DISCOUNT COUPONS", issued to Thomas Mindrum et al. on February 2, 1988.
- B. U. S. Patent No. 4,833,607 entitled "APPARATUS AND METHOD TO CONTROL ECONOMICAL SYSTEMS", issued to Juergen Dethloff et al. on May 23, 1989.
- C. U. S. Patent No. 4,857,840 entitled "INFORMATION AND GUIDING SYSTEM INCLUDING A PORTABLE RECEIVER DEVICE HAVING AN ELECTROMAGNETIC WAVE ANTENNA AND MAGNETIC FIELD SENSOR", issued to Michel Lanchais on August 15, 1989.
- D. U. S. Patent No. 4,910,672 entitled "METHOD AND APPARATUS FOR DISPENSING DISCOUNT COUPONS", issued to George W. Off et al. on March 20, 1990.
- E. U. S. Patent No. 4,982,346 entitled "MALL PROMOTION NETWORK APPARATUS AND METHOD", issued to Kenneth P. Girouard et al on January 1, 1991.
- F. U. S. Patent No. 5,173,851 entitled "METHOD AND APPARATUS FOR DISPENSING DISCOUNT COUPONS IN RESPONSE TO THE PURCHASE OF ONE OR MORE PRODUCTS", issued to George W. Off et al. on December 22, 1992.
- G. U. S. Patent No. 5,459,306 entitled "METHOD AND SYSTEM FOR DELIVERING ON DEMAND, INDIVIDUALLY TARGETED PROMOTIONS", issued to Buddy Stein et al. on October 17, 1995.

- H. U. S. Patent No. 5,481,094 entitled "POINT-OF-SALE TERMINAL", issued to Hiroshi Suda on January 2, 1996.
- I. U. S. Patent No. 5,521,364 entitled "PRODUCTR-SELLING-DATA PROCESSING APPARATUS HAVING FUNCTION FOR ADMINISTERING SALES OF ARTICLE SOLD BY THE BUNDLE AND ITS METHOD", issued to Yoshiharu Kimura et al. on May 28, 1996.
- J. U. S. Patent No. 5,537,314 entitled "REFERRAL RECOGNITION SYSTEM FOR AN INCENTIVE AWARD PROGRAM", issued to Mark W. Kanter on July 16, 1996.
- K. U. S. Patent No. 5,544,040 entitled "SYSTEM FOR MANAGEMENT OF COMMON PURCHASE OPERATIONS FOR GOODS AND SERVICES", issued to Jean-Pierre Gerbaulet on August 6, 1996.
- L. Abstract of Japanese Patent No. JP 07249176 entitled "POS SYSTEM", ISSUED To Watanabe Masakazu on September 26, 1995.
- M. PCT Publication No. WO 97/20279 entitled "METHOD AND SYSTEM FOR PRESENTING CUSTOMIZED PROMOTIONAL OFFERS", issued to Paul A. Nash et al. on June 5, 1997.
- N. PCT Publication No. WO 97/21200 entitled "HIDDEN DATA TRANSPORT ELECTRONIC COUPON SYSTEM", issued to Chong Lee et al. on June 12, 1997.
- O. PCT Publication No. WO 97/50064 entitled "ELECTRONIC COUPON DISPENSING SYSTEM", issued to Jack T. West on December 31, 1997.

- P. PCT Publication No. WO 98/21713 entitled "MERCHANDISING SYSTEM", issued to Kevin J. Leville et al. on May 22, 1998.
- Q. "Planet U TM's Retail Services", Planet U TM, Inc.,
(http://www.planetu.com/Pages/retailers_index.html), download date: November 13, 1998.
- R. U. S. Patent No. 5,612,868 entitled "METHOD AND APPARATUS FOR DISPENSING DISCOUNT COUPONS", issued to George W. Off et al. on March 18, 1997.
- S. U. S. Patent No. 5,649,114 entitled "METHOD AND SYSTEM FOR SELECTIVE INCENTIVE POINT-OF-SALE MARKETING IN RESPONSE TO CUSTOMER SHOPPING HISTORIES", issued to David W. Deaton et al. on July 15, 1997.
- T. U. S. Patent No. 5,675,662 entitled "METHOD AND SYSTEM FOR BUILDING A DATABASE FOR USE WITH SELECTIVE INCENTIVE MARKETING IN RESPONSE TO CUSTOMER SHOPPING HISTORIES", issued to David W. Deaton et al. on October 7, 1997.
- U. U. S. Patent No. 5,687,322 entitled "METHOD AND SYSTEM FOR SELECTIVE INCENTIVE POINT-OF-SALE MARKETING IN RESPONSE TO CUSTOMER SHOPPING HISTORIES", issued to David W. Deaton et al. on November 11, 1997.
- V. U. S. Patent No. 5,717,866 entitled "METHOD FOR COMPARATIVE ANALYSIS OF CONSUMER RESPONSE TO PRODUCT PROMOTIONS", issued to Walter L. Naftzger on February 10, 1998.
- W. U. S. Patent No. 5,734,838 entitled "DATABASE COMPUTER ARCHITECTURE FOR MANAGING AN INCENTIVE AWARD PROGRAM

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AND CHECKING FLOAT OF FUNDS AT TIME OF PURCHASE”, issued to W. Brent Robinson et al. on March 31, 1998.

- X. U. S. Patent No. 5,832,457 entitled “METHOD AND APPARATUS FOR SELECTIVE DISTRIBUTION OF DISCOUNT COUPONS BASED ON PRIOR CUSTOMER BEHAVIOR”, issued to Michael E. O’Brien et al. on November 3, 1998.
- Y. U. S. Patent No. 5,845,259 entitled “ELECTRONIC COUPON DISPENSING SYSTEM”, issued to Jack T. West et al. on December 1, 1998.
- Z. U. S. Patent No. 5,850,446 entitled “SYSTEM, METHOD AND ARTICLE OF MANUFACTURING FOR VIRTUAL POINT OF SALE PROCESSING UTILIZING AN EXTENSIBLE, FLEXIBLE ARCHITECTURE”, issued to David A. Berger et al. on December 15, 1998.

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1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. _____, filed _____.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☐ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
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The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- ☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
- ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

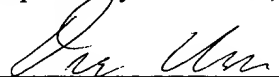
6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
 - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
 - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.
10. ☐ I hereby certify:

- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
11. ☐ Please accept payment of the fees due as indicated below:
- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.
12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

February 23, 1999

Date

Respectfully submitted,


Dean Alderucci
Attorney for Applicants
PTO Reg. No. 40,484
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Five High Ridge Park
Stamford, CT 06905
(203) 705-3006
(203) 595-8266 (fax)